

HOUSE BILL 983

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HB 843/03 - JUD

2004 Regular Session  
4r0609

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By: **Delegates Quinter, Amedori, Barkley, G. Clagett, Cluster, Conroy,  
Feldman, Fulton, Kelly, Madaleno, Montgomery, Murray, Owings,  
Shank, Sophocleus, and Trueschler**

Introduced and read first time: February 12, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Armed Criminal Lockup Act**

3 FOR the purpose of prohibiting a person convicted of certain crimes of violence from  
4 possessing a firearm while on certain conditional release from confinement for  
5 the conviction; providing that a person detained on probable cause of committing  
6 a certain violation may not be released until a certain finding is made; requiring  
7 a court or the Maryland Parole Commission to revoke the conditional release of  
8 certain persons under certain circumstances; prohibiting certain persons from  
9 being subsequently released under certain circumstances; prohibiting a child  
10 adjudicated delinquent for certain delinquent acts from possessing a firearm  
11 while on certain conditional release from certain detention; providing that a  
12 child detained on probable cause of committing a certain violation may not be  
13 released until a certain finding is made; requiring a court to revoke the  
14 conditional release of certain children under certain circumstances; prohibiting  
15 certain children from being subsequently released under certain circumstances;  
16 clarifying that a prosecution or certain penalties for certain crimes is not  
17 prohibited by this Act; defining certain terms; and generally relating to  
18 conditional release from confinement.

19 BY adding to

20 Article - Criminal Procedure

21 Section 6-229

22 Annotated Code of Maryland

23 (2001 Volume and 2003 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Criminal Procedure**

2 6-229.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) "COMMISSION" MEANS THE MARYLAND PAROLE COMMISSION.

6 (3) (I) "CONDITIONAL RELEASE" MEANS ANY RELEASE FROM, OR  
7 ALTERNATIVE TO, A SENTENCE OF IMPRISONMENT OR OTHER FORM OF  
8 CONFINEMENT.

9 (II) "CONDITIONAL RELEASE" INCLUDES ANY FORM OF:

10 1. SUSPENDED SENTENCE UNDER § 6-219 OF THIS SUBTITLE;

11 2. PROBATION BEFORE JUDGMENT UNDER § 6-220 OF THIS  
12 SUBTITLE;

13 3. SUSPENDED SENTENCE OR PROBATION AFTER  
14 JUDGMENT UNDER § 6-221 OF THIS SUBTITLE;

15 4. HOME DETENTION PROGRAM;

16 5. ELECTRONIC MONITORING PROGRAM;

17 6. WORK RELEASE PROGRAM;

18 7. PAROLE OR MANDATORY SUPERVISION UNDER TITLE 7 OF  
19 THE CORRECTIONAL SERVICES ARTICLE;

20 8. CORRECTIONS OPTIONS PROGRAM REQUIRING  
21 PARTICIPATION IN HOME DETENTION, INPATIENT TREATMENT, INPATIENT DRUG OR  
22 ALCOHOL TREATMENT, OR OTHER SIMILAR PROGRAM; OR

23 9. AS IT RELATES TO A CHILD WHO IS ADJUDICATED  
24 DELINQUENT UNDER TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE, RELEASE  
25 FROM DETENTION.

26 (4) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14-101 OF THE  
27 CRIMINAL LAW ARTICLE.

28 (5) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THE PUBLIC  
29 SAFETY ARTICLE.

30 (B) (1) IF A PERSON HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, THE  
31 PERSON MAY NOT POSSESS A FIREARM WHILE ON CONDITIONAL RELEASE FROM  
32 CONFINEMENT FOR THAT CONVICTION.

1           (2)     A PERSON DETAINED ON PROBABLE CAUSE OF VIOLATING  
2 PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE RELEASED PRIOR TO A FINDING  
3 BY A COURT OR THE COMMISSION UNDER PARAGRAPH (3) OF THIS SUBSECTION.

4           (3)     NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A COURT OR  
5 THE COMMISSION FINDS THE PERSON TO BE IN VIOLATION OF PARAGRAPH (1) OF  
6 THIS SUBSECTION, THE COURT OR THE COMMISSION SHALL IMMEDIATELY REVOKE  
7 THE CONDITIONAL RELEASE OF THE PERSON.

8           (4)     ON A FINDING OF A VIOLATION UNDER PARAGRAPH (3) OF THIS  
9 SUBSECTION, THE PERSON MAY NOT BE SUBSEQUENTLY RELEASED ON  
10 CONDITIONAL RELEASE AND SHALL SERVE THE REMAINDER OF THE PERSON'S  
11 ORIGINAL SENTENCE IN CONFINEMENT.

12       (C)     (1)     IF A CHILD HAS BEEN ADJUDICATED A DELINQUENT UNDER TITLE 3,  
13 SUBTITLE 8A OF THE COURTS ARTICLE FOR A DELINQUENT ACT THAT WOULD BE A  
14 CRIME OF VIOLENCE IF COMMITTED BY AN ADULT, THE CHILD MAY NOT POSSESS A  
15 FIREARM WHILE ON CONDITIONAL RELEASE FROM DETENTION BASED ON THAT  
16 ADJUDICATION.

17           (2)     A CHILD DETAINED ON PROBABLE CAUSE OF VIOLATING PARAGRAPH  
18 (1) OF THIS SUBSECTION MAY NOT BE RELEASED PRIOR TO A FINDING BY THE COURT  
19 UNDER PARAGRAPH (3) OF THIS SUBSECTION.

20           (3)     NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A COURT  
21 FINDS THE CHILD TO BE IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION, THE  
22 COURT SHALL IMMEDIATELY REVOKE THE CONDITIONAL RELEASE OF THE CHILD.

23           (4)     ON A FINDING OF A VIOLATION UNDER PARAGRAPH (3) OF THIS  
24 SUBSECTION, THE CHILD MAY NOT BE SUBSEQUENTLY RELEASED ON CONDITIONAL  
25 RELEASE AND SHALL SERVE THE REMAINDER OF THE CHILD'S ORIGINAL PERIOD OF  
26 DETENTION.

27       (D)     THIS SECTION DOES NOT PROHIBIT ANY PROSECUTION OR PENALTY  
28 BEING IMPOSED FOR A CRIME COMMITTED BY A PERSON WHILE ON CONDITIONAL  
29 RELEASE.

30       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2004.